

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--------------------------------------|---|------------------------|
| MARIO ROGERIO DE ANDRADE |) | |
| VITELO, on behalf of himself and all |) | |
| other persons similarly situated, |) | Case No. 1:09-cv-01051 |
| |) | |
| Plaintiff, |) | Judge David H. Coar |
| |) | Magistrate Judge Cox |
| v. |) | |
| |) | |
| BRAZZAZ LLC & SERGIO AGUIRRE, |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS' UNOPPOSED MOTION TO STAY THE SCHEDULING ORDER TO
SCHEDULE A SETTLEMENT CONFERENCE WITH THE MAGISTRATE JUDGE**

Brazzaz LLC and Sergio Aguirre (collectively referred to as “the Defendants”) move this Court to stay the existing scheduling order in this matter. Specifically, the Defendants request the scheduling order be stayed so that the parties can schedule and have a settlement conference with the Magistrate Judge. In support of this Motion, the Defendants state as follows:

1. On August 24, 2009, this Court entered the parties’ joint and proposed scheduling order.
2. To-date, the parties have propounded and answered each other’s written discovery requests. Also, during this time, the parties have had ongoing and productive good faith settlement negotiations.
3. The parties’ settlement negotiations have come to a stand-still. The parties agree that a settlement conference with Magistrate Judge Cox would be beneficial to getting the parties to a final settlement resolution.

4. Currently, discovery is closed on January 15, 2010. Thus, the parties respectfully request a stay of this date and the remaining dates in the August 24, 2009 Scheduling Order. In the event the settlement conference is not successful, the parties can submit a revised schedule so that they have additional time to continue with any remaining written discovery and complete oral discovery.

5. Prior to filing this Motion, Defendants' outside counsel contacted Plaintiff's counsel about this request. Plaintiff's counsel indicated that Plaintiff has *no objection* to this request for a stay and settlement conference.

6. This Motion is brought in good faith and not for purposes of delay.

7. A Proposed Order has been emailed to Judge Coar on January 6, 2010 for the Court's convenience.

WHEREFORE, the Defendants respectfully seek an Order staying the August 24, 2009 Scheduling Order and permission to have a settlement conference with Magistrate Judge Cox.

Dated: January 6, 2010

Respectfully submitted by:

/s/ Heather A. Bailey

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Counsel for Defendants

Certificate Of Service

I hereby certify that on January 6, 2010 I electronically filed the foregoing **Defendants' Unopposed Motion to Stay the Scheduling Order to Schedule a Settlement Conference with the Magistrate Judge** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Douglas M. Werman
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